

**REMARKS/ARGUMENTS**

Claims 1-28 and proposed new claim 29 are pending in the application for the Examiner's consideration. The new claim and remarks are submitted in response to the final office action in order to point out important features of the invention which were present in the claims, as previously presented, and distinguish over the cited references.

**1. Applicant's Claimed Invention Recites Apertures, Unlike The Cited References, And These Claimed Features Must Be Considered.**

*First*, Applicant has considered the rejection of the claims in view of the cited combination of Tilton and Friedman. Applicant's invention discloses and claims a very particular device with apertures for allowing the inflow of treatment fluid into the carrier that holds the work pieces. None of the cited references discloses the applicant's apertures, as recited in claim 1, and even as further defined and particularized in the dependent claims 3-7 which recite the apertures specifically. Even to say that Tilton's basket frame somehow creates apertures is not plausible given what the definition of an aperture is, and further including how the apertures are defined in Applicant's claims, including claim 1. Applicant's claim 1 defines over Tilton in particular in that it provides that the fluid flow into the protective carrier through the aperture does not affect the work pieces, while Tilton neither teaches or suggests such property. Moreover, the dependent claims (see e.g., 3-7) make clear that the apertures recited in Applicant's device are distinguishable over the so called spaces of the Tilton frame. Again, Tilton's device would not prevent deforming sensitive foils, while it is the very purpose of the present invention to prevent deforming or shifting position of such foils.

Moreover, even the subject matter of Applicant's claims 7, 8 and 9, is apparently not found in either of the cited references relied on in the office action. Similarly method claims 23-26 also recite similar features not disclosed or taught by the references.

Applicant submits that the Applicant's claims 1-13 do indeed define patentable subject matter, as the embodiments claimed therein are not disclosed or taught by Tilton and Friedman.

In addition, Applicant's claims 15-18 also recite an aperture, or the difference in liquid levels. The Tilton reference does not disclose apertures (as discussed above), and moreover, as shown with the use of the Tilton basket, the liquid level in the basket and tank would not be different, as Applicant's method claims (see e.g., claims 16-18), but would appear to be identical to the basket (considered the carrier in the office action). The additional references even if combined with Tilton, still fail to disclose or teach the Applicant's claimed invention.

#### NEW CLAIM 29:

In addition, new claim 29 has been added to more specifically and particularly provide an alternate definition of the aperture by defining that the aperture, unlike the cited references applied, is *dimensioned to control the flow of fluid into the protective carrier in such a manner that the work pieces within the protective carrier will not substantially deform or shift position*. This feature of the Applicant's invention is in stark contrast to the frame provided by Tilton, which essentially promotes vigorous contacting or flow of the liquid to an item held in the Tilton basket. The addition of this language does not add new matter and is consistent with what Applicant has disclosed as a feature of its invention, and the device claims (e.g., 1-13) which were already searched.

Applicant presents the proposed new claim 29 as a way to recite the appreciable distinction over the Tilton reference. Accordingly, Applicant respectfully submits that claims 1-26, and new claim 29 as proposed, should be allowable.

Reconsideration and a withdrawal of the final rejection is requested.

#### **2. Applicant's Claims Provide For A Carrier "Localized" At "The Tank" Which The Cited References Do Not Disclose or Suggest.**


Second, Applicant's claims 27 and 28, presented in the previous amendment define a feature of the carrier being "localized" at the tank. For the carrier to be "localized at the tank", it would not move to another tank. Applicant's claims appear to expressly state one tank – the tank – at which the carrier is located. That is not the case with Tilton,

where its basket (assumed by the rejection to be the carrier) is not localized at "the tank" but rather is remote from the tank, as the Tilton basket is moved from "the tank" to another tank (not "the tank"). Tilton discloses having a work piece being contained in the frame and basket module which is conveyed from tank to tank (Fig. 1, col. 4, lines 39-60). It is thus not localized at a tank. To say that Tilton's basket is localized at the first tank and then the same basket is localized at another tank goes against the very essence and meaning of the term "localized". It is not localized at the tank, that is, it is not "fixed or assigned to a particular place" (i.e., that tank) (or "restricted or limited to" that tank location) but rather, is showing just the opposite, namely, a basket which is unrestricted in location with respect to "the tank". Even if the Examiner considers that the basket of Tilton, when in the first tank would arguably meet Applicant's claims, that is readily refuted, when one considers that Tilton does not teach restricting the basket location to that tank, but rather, teaches just the opposite, to move the basket away from the tank. It is contended that the rejection cannot use Tilton to stand for, or support, a disclosure of something for which it teaches the opposite. Applicant's claimed invention providing the feature of localization of the carrier to the tank means that the work pieces must therefore be taken from the localized carrier at the tank. According to the present invention, it is only the work piece which is conveyed from tank to tank and will thus be conveyed from protective carrier to protective carrier, each protective carrier being assigned to a respective tank. The localizing feature also minimizes carrying-over of fluid from one tank to another. The localizing feature is not disclosed or suggested by Tilton. That is consistent with Applicant's invention, as disclosed and claimed.

Applicant submits that it would be unfair to require Applicant to have to file an RCE, when the very definitions used by Applicant in claims 27 and 28 previously submitted, define the Applicant's invention over the cited art. Here, Tilton does not disclose the Applicant's invention, alone or even when the proposed combinations with other references are made.

For the Examiner's convenience, and in order to further demonstrate what the Applicant's terminology used in claims 27 and 28 means, two dictionary references are reprinted below:

Reference 1:

lo · cal · ize  'lou kə,laɪz - Show Spelled Pronunciation[loh-kuh-lahyz] Pronunciation Key - Show IPA Pronunciation *verb*, -ized, -iz · ing.

-verb (used with object)

1. to make local; fix in, or assign or restrict to, a particular place, locality, etc.

-verb (used without object)

2. to gather, collect, or concentrate in one locality.

Also, *especially British*, lo · cal · ise.

[Origin: 1785-95; LOCAL + -IZE]

—Related forms

lo · cal · iz · a · ble, *adjective*

lo · cal · i · za · tion, *noun*

lo · cal · iz · er, *noun*

*Dictionary.com Unabridged (v 1.1)*

*Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006.*

Reference 2:

*American Heritage Stedman's Medical Dictionary* - [Cite This Source](#) - [Share This](#)

lo · cal · ized (lŏ'kə-līzd')

*adj.*

Restricted or limited to a specific part.

*The American Heritage® Stedman's Medical Dictionary*

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Accordingly, the basis for the rejection of claim 27 and 28 cannot stand, and these claims should be allowable.

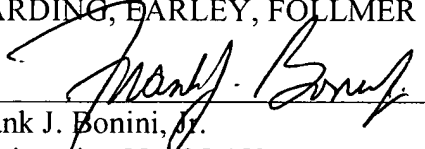
### CONCLUSION

Applicant's invention as defined in the previously presented claims, and in the proposed claim 29, recite subject matter which should be patentable over the cited references. Applicant does not find the structures recited in Applicant's claims to be disclosed or suggested by Tilton.

Reconsideration is requested. An interview also is requested in the event there are issues which may be resolved (e.g., through amendment), to place the claims in condition for allowance.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,  
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Date: 1/9/08